

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 ADRIAN SCHOOLCRAFT,

6 Plaintiff,

Case No:

7 - against -

10 CV 06005

8 THE CITY OF NEW YORK, ET AL.,

9
10 Defendants.

11 -----X
12 220 East 42nd Street
13 New York, New York

14 July 7, 2014

15 10:06 a.m.

16
17 DEPOSITION OF VINOD DHAR, M.D., pursuant to
18 Notice, taken at the above place, date and
19 time, before DENISE ZIVKU, a Notary Public
20 within and for the State of New York.
21
22
23
24
25

1 VINOD DHAR, M.D.

2 information if at the time of trial or
3 some other hearing, I would need to
4 serve process on the doctor.

5 Given that, would you agree to
6 accept service of any papers that I
7 need to serve on the doctor for him to
8 appear as the 30(b)(6) witness in any
9 future proceedings.

10 MR. RADOMISLI: If he's still an
11 employee of Jamaica Hospital at the
12 time, we would accept service, but
13 otherwise we would not. If you just
14 want to ask him his address, you might
15 be better off.

16 Q. All right, would you mind
17 providing us with your address, Doctor?

18 A. My home address is 60, 6-0
19 Juniper Lane, Syosset, New York.

20 Q. Where are you currently working?

21 A. I work at Jamaica Medical
22 Hospital.

23 Q. What's your title?

24 A. I am currently the associate
25 chairman of the department of psychiatry.

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2 Q. How long have you had that
3 position?

4 A. I have had that position for
5 five -- almost nine years. Actually at
6 Jamaica Hospital it would be seven years.

7 Q. Have you had any other positions
8 while working at Jamaica Hospital?

9 A. Yes. I started as an attending.
10 Then the unit chief, and I went to Flushing
11 Hospital. That's where I got my promotion
12 to associate chairman.

13 Q. What's the relationship between
14 Flushing Hospital and Jamaica Hospital?

15 MR. RADOMISLI: Objection to
16 form. You can answer.

17 A. In 1999 Jamaica Hospital took
18 over Flushing Hospital and came under the
19 umbrella Medisys Network. So it was part of
20 the consortium in the same department.

21 Q. When did you start working at
22 Jamaica as an attending?

23 A. That was 1996.

24 Q. And?

25 A. To 1999 and then from 1999 to

1 VINOD DHAR, M.D.

2 2007, I was at Flushing.

3 Q. When you were attending, were
4 you an attending in the psychiatric ward?

5 A. I was inpatient psychiatric
6 unit.

7 Q. Is that the same thing as being
8 in a ward?

9 A. Yeah.

10 Q. You also mentioned that you were
11 unit chief, what was that?

12 A. Well, unit chief is responsible
13 for the both administrative and clinical
14 aspects of the inpatient unit, one unit.

15 Q. What was your title at Flushing
16 Hospital?

17 A. It started with the unit chief
18 and as we progressed in Flushing, then I
19 became the assistant director of inpatient
20 services and then the associate chairman of
21 the entire department.

22 Q. Prior to joining Jamaica
23 Hospital in 1999, did you have any other
24 work?

25 A. Yes. I was in Dayton, Dayton

1 VINOD DHAR, M.D.

2 Mental Health Center from 1990 to 1995, '96.

3 Q. What did you do in Dayton?

4 A. I was an attending there.

5 Q. Where is Dayton?

6 A. Dayton, Ohio.

7 Q. What did you do from 1996 -- so
8 '96 you went to Jamaica?

9 A. Jamaica.

10 Q. Before Dayton what did you do?

11 A. I did my training at New York
12 Medical College, Valhalla.

13 Q. What do you mean by saying you
14 did your training there?

15 A. I did residency training in
16 psychiatry, general psychiatry.

17 Q. How long was that?

18 A. That was three years. Then I
19 did two years of a fellowship in child
20 psychiatry.

21 Q. Where?

22 A. Same place, New York --
23 Westchester Medical Center.

24 Q. Prior to being at New York
25 Medical College as a resident, what did you

1 VINOD DHAR, M.D.

2 do?

3 A. I was in India. I came here
4 after I did medical schooling in India.

5 Q. So you went to medical school in
6 India?

7 A. Yes.

8 Q. Which one?

9 A. It's called Medical College,
10 Government Medical in Kashmir. State of
11 Kashmir.

12 Q. What were the years of your
13 training at New York Medical College?

14 A. That would be from 1981 to '86.

15 Q. And from '86 to 90, what did you
16 do?

17 A. I worked as an attending at
18 State Hospital, Harlem Valley Psychiatric
19 Center.

20 Q. Where is that?

21 A. It's Wingdale, Upstate,
22 New York.

23 Q. Have you had any other forms of
24 employment, other than at State Hospital,
25 Dayton and Jamaica Hospital?

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2 A. No.

3 MR. RADOMISLI: And Flushing.

4 Q. Right and Flushing. I meant to
5 include Flushing in that since they merged
6 with Jamaica, right?

7 A. Yes.

8 Q. So I will just restate that
9 question just to make it clear.

10 Other than being at State
11 Hospital, Dayton, Flushing and Jamaica
12 Hospital, you had no other employment as a
13 psychiatrist?

14 A. No.

15 Q. Have you had any private
16 practice as a psychiatrist?

17 A. I have -- I am currently in
18 private. It is a part-time small practice,
19 been there since '92 or '93, not sure.

20 Q. Where is that practice?

21 A. That's in Forest Hills, Forest
22 Hills.

23 Q. How much of your working time do
24 you spend at private practice, as opposed to
25 working at Jamaica?

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2 A. I spend -- I have 40 hours of
3 work at Jamaica and I spend 15 to 20 hours
4 at the most private practice.

5 Q. So it's about a third of your
6 working time is the private practice; is
7 that fair to say?

8 A. Yes.

9 Q. Is it fair to say you have
10 experience making decisions about
11 involuntarily committing patients based on
12 your work experience with State, Dayton,
13 Flushing and Jamaica?

14 A. Yes. But mainly at Jamaica.

15 Q. Can you give me an approximation
16 of the number of patients that you've made a
17 decision to involuntarily commit to a
18 psychiatric institution?

19 MR. RADOMISLI: Objection. This
20 witness is a 30(b)(6) witness and so he
21 could talk about the policy of the
22 hospital. Anything he does personally
23 I am going to object.

24 MR. SMITH: Are you instructing
25 him not to answer that question?

1 VINOD DHAR, M.D.

2 A. I don't know. He is not there
3 now. I think his name was Mr. Mule.

4 Q. Can you spell that for me?

5 A. M-u-l-e.

6 Q. Who was the chair?

7 A. No, he -- the chair was Vivek,
8 Dr. Vivek.

9 Q. Did you personally have any roll
10 in the review and revising of department of
11 psychiatric, psychiatry admission
12 procedures?

13 A. Yes, review.

14 Q. Were you part of a committee
15 that would regularly review this or was it
16 on an ad hoc basis that you would review the
17 procedure?

18 A. On ad hoc basis.

19 Q. See the second page of this
20 exhibit?

21 A. Yes.

22 Q. There is another policy
23 statement called involuntary legal status?

24 A. Yeah.

25 Q. Can you tell me what that

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about looks like 20, 25 minutes I called the court at 10:54, I spoke with Judge Sweet's law clerk, Adam Chen. We had a -- I think it was an on the record discussion or an off the record discussion about instructions not to answer certain questions and Mr. Chen said that since Judge Sweet is away, he didn't know whether or not he was going to be able to get back to us with a ruling and we've waited or I've waited approximately 25 minutes and there has been no indication from the court that we will get a ruling. So I am going to proceed with my examination and note that I object to the needless interference with the order and methodology with which I wanted to take this witness' deposition.

Q. Can you turn, sir, to Exhibit 130. You have that still in front of you?

A. Yeah.

Q. Do you have an emergency

1 VINOD DHAR, M.D.

2 admission status policy, which is the
3 fourth, fifth and the sixth page of the
4 exhibit?

5 A. The page number?

6 Q. It's page number -- start on
7 page 17 and it goes through 19.

8 A. Okay.

9 Q. Yes.

10 MR. RADOMISLI: Starting at 17.

11 Q. Starting with 17, please.

12 A. Okay, sure.

13 Q. Are you familiar with this
14 policy statement?

15 A. Yes, I'm familiar.

16 Q. When was the last time, other
17 than just now, that you've read this
18 statement?

19 A. This I read recently when I
20 reviewed the policy on CPEP.

21 Q. So this was one of the policy
22 statements that was part of the statements
23 that you reviewed?

24 A. CPEP.

25 Q. Did you have any role in the

1 VINOD DHAR, M.D.

2 creation of this document, this three-page
3 document, which is pages 17, 18 and 19?

4 A. No.

5 Q. Who created this document?

6 A. This is created by the
7 administration -- administrator and the
8 chairman.

9 Q. Who are those people?

10 A. Same people, Mr. Mule and Dr.
11 Vivek.

12 Q. The administrator. Is this what
13 we refer to as the 939 admission or
14 involuntary admission?

15 A. That's correct.

16 Q. In the second paragraph under
17 heading policy it says that the patient's
18 alleged to have a mental illness. Do you
19 see that reference there to a mental
20 illness?

21 A. Yeah.

22 Q. Am I correct that one of things
23 that's required in order to admit somebody
24 involuntary is a medical or psychiatric
25 determination that an individual has a

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2 MR. RADOMISLI: Then I will
3 because I am just going by what the
4 court order says and what you asked for
5 and what you asked for was a witness to
6 testify about the policy on involuntary
7 admissions.

8 MR. SMITH: Right, okay, and so
9 you're telling me that the only time
10 that's relevant to make an inquiry
11 about the hospital's policy is the
12 moment that the staff physician signs
13 the piece of paper saying that yes, we
14 are going keep this person against
15 their will and that anything that
16 happens thereafter is completely
17 irrelevant to the scope of this
18 examination? If you're saying that,
19 which is what I think you're saying
20 then you're taking an extremely narrow
21 view of the court order and needlessly
22 interfering with my deposition.

23 MR. RADOMISLI: That isn't what
24 I'm saying. Number two, it's not an
25 exceedingly narrow interpretation of

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the court order, because when you applied to -- when you served the 30(b)(6) and when -- subject to the motion, you only asked about policies regarding involuntary admission. You didn't say anything about the discharge either in the application to the court or in response to my objection or during conference and therefore, there is no court order -- the court order is limited to involuntary admission.

MR. SMITH: The second page of the involuntary admission policy talks about the second evaluation needing to be done under the Jamaica policy. So you're telling me I can't ask questions about the second assessment because the patient has already been admitted. Then I think we should really stop the examination and I will make my application.

MR. RADOMISLI: I'm not saying that you can't ask questions about the second evaluation. You can ask the

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2 somebody will go there and make an
3 assessment and if what they find there is
4 potentially a dangerous situation, they will
5 remove the patient and bring to the
6 emergency room. So there is a substantial,
7 as well as, potential.

8 Q. Isn't there a difference in your
9 mind between any risk and substantial risk?

10 MR. RADOMISLI: I'm going to
11 object to the extent you're asking for
12 his mind. If you want to ask whether
13 it's a policy --

14 MR. SMITH: Okay. Fine. I will
15 ask what the policy is and see if he
16 thinks there's any distinction either
17 because we are mincing words here.

18 Q. Under the Jamaica Hospital
19 policy, is there any difference between a
20 potential or any potential risk of
21 dangerousness and a substantial risk of
22 dangerousness?

23 A. Again, it's a clinical judgment.
24 I don't think it's defined in the policy.

25 Q. In your opinion, is there a

1 VINOD DHAR, M.D.

2 difference between any potential risk and a
3 substantial risk of dangerousness?

4 MR. RADOMISLI: He is here as a
5 30(b)(6) witness.

6 Q. Okay. You can answer the
7 question.

8 MR. RADOMISLI: No, he can't.

9 MR. SMITH: You're instructing
10 him not to answer that question?

11 MR. RADOMISLI: It's not proper
12 of a 30(b)(6) witness. You know that.

13 MR. SMITH: No, I don't.

14 MR. RADOMISLI: I cited a case.
15 Don't answer that question. It's not
16 proper.

17 Q. Does the term substantial risk,
18 as defined in the Jamaica Hospital policy,
19 include any risk of harm?

20 A. Yes.

21 Q. So under Jamaica's policy, any
22 possible risk is a sufficient basis in which
23 to involuntarily admit somebody, because of
24 the conclusion that they are dangerous to
25 themselves or others; is that correct?